THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14644 of 2007

DATED: 12.07.2007

Between:

Mallemudi Aruna Kumari

.. Petitioner.

And

The District Collector,
Krishna at Machilipatnam,
and others.

.. Respondents.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14644 of 2007

ORDER:

In this writ petition, the petitioner has questioned the acquisition of her land to an extent of 0.45 cents covered by Sy.No.84/IC (P) situated at Ramavarapadu village, Vijayawada Rural Mandal, Krishna District.

It is the case of the petitioner that the said piece of her land was notified along with other lands for providing house sites to the weaker sections and notification to that effect contemplated under Section 4(1) of the Land Acquisition Act, 1894(for short 'the Act') was published in Krishna District Gazette No.113/IV, dated 29.05.2007, and in pursuance of the said notification, the second respondent, the Revenue Divisional Officer-cum-Land Acquisition Officer, Vijayawada, Krishna District, has issued notice under Section 5-A of the Act.

It is the grievance of the petitioner that though enquiry is not completed, the second respondent-Land Acquisition Officer is insisting her to part with her land by accepting the compensation at the rate of Rs.15,000/- per cent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

The enquiry, which is initiated, is only under Section 5-A of the

Act. It is for the petitioner whether to accept the proposal with regard to the said compensation or not. But, however, the same is no ground to question the validity of the impugned proceedings. In any event, as much as, the enquiry under Section 5-A of the Act is being conducted, the respondents are not empowered to dispossess the petitioner from her land till the enquiry is concluded.

In that view of the matter, I dispose of the writ petition directing the respondents not to take any steps for dispossession of the petitioner from her land till appropriate enquiry is concluded as contemplated under Section 5-A of the Act. However, it is made clear that this will not preclude the respondents to take further steps in accordance with the Act, subject to the outcome of the enquiry under Section 5-A of the Act.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.12.07.2007
Note: Furnish CC in three days
B/o
v v